IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1192 OF 2007

M/s I.R. Enterprises .....Petitioner.

V/s

Municipal Corporation of
Greater Mumbai & Anr. .....Respondents.

Mr. Aditya Chitale for the Petitioner.

Mr. N.A. Shaikh for Respondents - Municipal Corporation.

CORAM: V.M. KANADE, J.
DATE : 18th June, 2007

P.C.

1. Rule.

2. Rule is made returnable forthwith. Respondents waive service. By consent, Petition is taken up for final hearing and disposal.

3. Heard the learned Counsel for the Petitioner and the learned Counsel for Respondents.

4. The Petitioner has paid an amount of Rs. 2,05,503/- towards one time octroi duty and has also furnished bank guarantee for an amount of Rs. 20,55,030/- pursuant to the order dated 15/05/2007 passed by the Joint Municipal Commissioner.

5. The learned Counsel appearing on behalf of the Petitioner submits that though the Petitioner has complied with the order dated 15/05/2007, again, a fresh order is passed dated 18/04/2007 which pertains to the very same octroi demand. He submits that there is no question of payment of the said amount as the Petitioner has already paid the octroi duty and furnished the bank guarantee pursuant to the order dated 15/05/2007.

6. The learned Counsel appearing on behalf of the Respondents - Municipal Corporation, on instructions from the Officer of the Respondents - Municipal Corporation who is present in Court, submits that the impugned order dated 18/04/2007 is admittedly in respect of the very same octroi demand which has already been paid by the Petitioner and, therefore, question of repayment of the said duty does not arise.

7. In view of the statement made by the learned Counsel appearing on behalf of the Respondents - Municipal Corporation on instructions from the Officer of the Respondents - Municipal Corporation who is present in Court, nothing survives in the Petition and accordingly the same is disposed of. Rule is discharged. It is, however, clarified that the Petitioner shall not be asked to pay the octroi duty and penalty as claimed from him in the said impugned order/letter dated 18/04/2007.

(V.M. KANADE, J.)